

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB15

Hearing Date: Tuesday January 29, 2013
Committee On: Agriculture
Introducer: Krist
One Liner: Change Pesticide Act provisions

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye:	7	Senators Bloomfield, Hansen, Harr, Johnson, Lathrop, Schilz, Wallman
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Proponents:

Senator Bob Krist
Tim Hauder

Representing:

Introducer
N/A

Opponents:

Brian Wilcox

Representing:

Nebraska Aviation Trades Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 15 amends provisions of the Nebraska Pesticide Act (2-2622 through 2-2659) governing aerial pesticide applications to establish definitional distinction between individual applicator licensees and aerial applicator businesses licensees, and to clarify allocation of liabilities between applicators and the businesses that employ them. The substantive elements of the bill include:

2-2624 is amended by section 1 of the bill to insert new defined terms for aerial pesticide applicator and aerial pesticide business. An aerial pesticide applicator is defined as an aircraft pilot meeting the requirements prescribed in subsection (2) of 2-2655. An aerial pesticide business is defined as a person holding an aerial pesticide business license.

2-2655 is amended by section 6 of the bill to rewrite a prohibition on applying pesticides by use of an aircraft or causing or arranging aerial spraying operations unless holding an aerial pesticide business license. The bill replaces existing text with new subsections (1) and (2).

Subsection (1) would confine aerial spraying operations to be performed or arranged for by an aerial pesticide business. The new language would carryover that the license shall be identified by the principal departure location of aircraft utilized in the operation. The bill carries over criteria formerly utilized to identify entities causing or arranging aerial spraying operations (i.e. performing billing and collection for applications, employing or contracting with aerial applicators, assigning work orders to applicators or paying compensation to applicators) to define persons qualifying as an aerial pesticide business and expanding the criteria to include compliance with aerial pesticide business license requirements.

Subsection (2) describes an aerial pesticide applicator as a person working under the supervision of an aerial pesticide business, certified as an agricultural aircraft operator pursuant to reference CFR section, and holding commercial applicator license with aerial pest control credentials.

Sections 3 and 7 of the bill insert new text confining administrative fines arising from an aerial spraying operation to be levied against the aerial pesticide business and not individual applicators. Section 7 of the bill carries over text deleted from 2-2655 declaring shared liability for damage between the applicator and the supervising business.

The bill inserts a series of secondary clarifications within the act, including:

2-2645 is amended by section 2 of the bill to require referral of of complaints regarding the aircraft and operation of the aircraft and other federal aeronautic requirements to the Department of Aeronautics. This section is further amended to require complaint investigation reports to be completed within 90 days of initiation.

2-2650 setting forth mitigating and aggravating criteria for determining the amount of administrative fine is amended by section 4 of the bill by striking that the fine may vary depending on the relative impact of the fine on the size of the business, and adds new subsection requiring fines to be uniform regardless of business characteristics.

Ken Schilz, Chairperson